

USDI, Bureau of Land Management
Andrews Resource Area, Burns District
Hines, Oregon 97738

Final Decision Record/Finding of No Significant Impact
For
Hollywood Field Pipeline and Highway 205 Boundary Fence
Environmental Assessment

OR-027-02-059

DECISION: Having considered a full range of alternatives and associated impacts in the attached Environmental Assessment (EA), it is my final decision to implement construction of 5 miles of 4-strand barbed wire fence to be constructed east of Highway 205 within the highway right-of-way and to defer action on the drilling of a well or construction of a pipeline pending further consideration of the alternatives analyzed. This fence would begin at the cattleguard at the turnoff to Plush, Oregon, and continue south to the fence at the Beckley turnoff. The fence would be built to standards for mule deer and antelope with the bottom strand smooth and spacing from the ground up being 16 inches, 22 inches, 30 inches, and 42 inches. A 28-foot cattleguard would be placed on the South Loop Road approximately 550 feet east of the Steens Mountain sign and information area with the fence adjoining this structure to exclude cattle from this area.

This action is in conformance with the objectives and land use plan allocations in the 1982 Andrews Management Framework Plan (MFP) and the 1983 Andrews Grazing Management Final Environmental Impact Statement (EIS). The proposed action is in conformance with H.R. 4828 (Steens Mountain Cooperative Management and Protection Act of 2000).

Rationale for Decision: I have selected the construction of the Highway 205 boundary fence which was analyzed in all alternatives except the no action alternative. This was selected to significantly reduce or eliminate the safety hazard to the public while driving along this portion of Highway 205 and to reduce or eliminate the hazard to wild horses from getting hit by vehicles while trailing along and crossing the highway. The current lack of fencing east of this segment of Highway 205 as described in this EA poses an immediate hazard to public safety and requires action before a proposed decision can be completed on the remainder of the alternatives analyzed.

To the best of my knowledge all practicable means to avoid or minimize environmental harm has been adopted.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined a Finding of No Significant Impact and that an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. The implementation of this decision will not cause any unnecessary or undue degradation.
2. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. Analysis indicated no significant impacts discussed in the EA have been disclosed. Analysis indicated no significant impacts to society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Burns District, Andrews Resource Area and adjacent land. See attached EA, Pages 8 to 11.
3. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials. See the attached EA, Page 4.
4. There would be no adverse impacts to prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplains, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern. Floodplains, wetlands, riparian habitat, air quality water quality, T&E animals and T&E plants would be protected and enhanced. See the attached EA, Page 4 and Page 9.
5. There are no highly controversial effects on the environment.
6. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature. See attached EA, Pages 9, 10, 11, and 12.
7. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource-related plans, policies or programs. It does not preclude consideration or adoption of various alternatives in the future RMP and the Steens Mountain management plan.
8. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated. See the attached EA, Page 12.

9. Based on previous and ongoing cultural surveys, and through mitigation or mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice policy. See attached EA, Page 4 and Page 12.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is submitted, your notice of appeal must be filed in the Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738 by February 28, 2003. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate office of the solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether or not the public interest favors granting the stay.

Signature on File
District Manager

January 29, 2003
Date